

REMARKS**Claim Status**

Claims 1-29 are pending in the application. Claims 1, 15, 18, 21, 24, and 27 are the independent claims of the application.

Allowable Subject Matter

Applicants gratefully acknowledge notification of allowable subject matter in claims 2-6, 16, 19, 20, 22, 23, 25, 26, 28, and 29.

Art Rejections

The Office Action rejected claims 1, 7-14, 24, and 27 under 35 U.S.C. § 102(e) as being anticipated by Squibb, U.S. Patent Number 6,301,677 ("Squibb" hereinafter). The Office Action further rejected claims 15, 17, 18, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Iwamoto *et al.*, U.S. Patent Number 5,604,900 ("Iwamoto" hereinafter) in view of Squibb. Applicants respectfully traverse these rejections and request reconsideration of the claims based on the arguments below.

In rejecting independent claim 1, the Office Action states that Squibb teaches all limitations of the claim at column 2, lines 1-4; at column 7, lines 33-39; and at column 13, lines 19-20. The Office Action further clarifies (in discussing rejection of claim 15) that Squibb “teaches zombie filesystem as network file systems where a user may lack permission to or the ability to modify a particular storage,” also citing Squibb at column 13, lines 19-20. Thus, it appears that the Office Action relies on Squibb’s teaching at column 13, lines 19-20 for disclosure of zombie filesystem. This disclosure reads as follows:

Read-only files are well known in the art. They are common to write-once media such as CD-ROMs and the like as well as network file systems where a user may lack permission to or the ability to modify a particular storage. The present invention further provides a means of using a combination of a read-only storage, an active event journal and an event map as a seekable-readable-writeable storage.

Squibb, col. 13, lines 16-22.

Applicants respectfully submit that disclosure of read-only files is not the same as disclosure of zombie space. According to the *Lexicography* section of the specification of the present application, the term *zombie filesystem* “generally refers to a portion of the file system where files are not available to users in normal operation, but can still be manipulated by the file system as if they were normal files.” Specification, at page 10, lines 1-3. The adjective *available* generally signifies something that is accessible, obtainable, present or ready for immediate use. *See, e.g.*, MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY (Elec. Ed., Ver. 1.2, 1994-96). Conversely, *not available* (which expression is used to define the term *zombie filesystem*) signifies something that is not accessible, not obtainable, or not present/ready for immediate use. For a file, being accessible, obtainable, or ready for use is not limited to being modifiable (editable, writable, capable of

deletion). For example, a file can be accessed for viewing, reading, or copying. By definition, a read-only file is readable. Therefore, a read only file is accessible and available to users. Indeed, Squibb expressly teaches that the read-only files are accessible by users: "Consider, for example, a group of users all having access to a read-only storage but desiring to make changes to this storage." Squibb, col. 14, lines 9-11 (emphasis added).

Furthermore, Squibb discloses read-only files in the context of making such files not only readable, but also writable. Squibb states this goal in the text that has already been quoted above, but bears repeating: "The present invention further provides a means of using a combination of a read-only storage, an active event journal and an event map as a seekable-readable-writable storage." Squibb, col. 13, lines 20-22 (emphasis added). Squibb's techniques for achieving this purpose are generally described at column 13, line 28 through column 14, line 6. Squibb's disclosure summarizes these techniques as follows:

The technique according to the present invention can be used, for example, to provide a plurality of interfaces to a read-only file. Consider, for example, a group of users all having access to a read-only storage but desiring to make changes to this storage. The method according to the present invention can be applied for each user who generates an independent event log that contains only the changes made by the user. These changes are invisible to the other users permitting each user to change his data view as necessary.

A similar application of the present invention uses the above method for simulation of a standard file interface using only a read only original storage and an event log in the absence of the read only file. If the read-only file above contains no data then the event journal contains all of the subject data. This capability permits a readable writable and seekable file system to be created on a seekable write-once media like a CD-ROM. The method involves creating the event journal on CD-ROM and using the read and write simulation methods disclosed in the previous section to fulfill all read and write requests.

Squibb, col. 14, lines 7-26. Note in particular the next-to-last sentence of the above quotation: "This capability permits a readable writeable and seekable file system to be created on a seekable write-once media like a CD-ROM." Squibb thus teaches both readable and writable filesystem based on read-only storage. Squibb apparently does not disclose zombie filesystem.

With regard to independent claim 15, the Office Action states in one place that Iwamoto teaches a method of operating a file system including a zombie file space. This appears to be a clerical error, because the Office Action expressly acknowledges on the same page that "Iwamoto does not explicitly teach zombie filesystem." Office Action, page 4. The Office Action then relies on Squibb's purported teaching of zombie filesystem to supplement the omission of such teaching in Iwamoto. In any event, the undersigned attorney has reviewed Iwamoto, but has not identified in that document a disclosure of zombie filesystem that is not accessible to users. Squibb's lack of such disclosure has already been addressed.

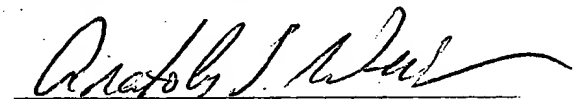
For the reasons discussed above, Applicants believe that Squibb does not anticipate independent claim 1. Each of the remaining independent claims 15, 18, 21, 24, and 27 is similarly directed to a method of operating a file system that includes a zombie filesystem, and should be patentable over Squibb and combination of Squibb and Iwamoto for the above reasons. Dependent claims 7-14 and 17 should be patentable together with their respective base claims.

CONCLUSION

For the foregoing reasons, Applicants respectfully submit that all pending claims are patentable over the references of record. To discuss any matter pertaining to the present application, the Examiner is invited to call the undersigned attorney at (858) 720-9431.

Having made an effort to bring the application in condition for allowance, a timely notice to this effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Anatoly S. Weiser', written over a horizontal line.

Anatoly S. Weiser
Reg. No. 43,229

Dated: April 15, 2005

The Swernofsky Law Group
P.O. Box 390013
Mountain View, CA 94039-0013
(650) 947-0700